

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
JANUARY 3, 2023, 4:00PM**

**DOCKET 1372
27 UPPER LADUE ROAD**

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, January 3, 2023.

The following members of the Board were present:

Vice-Chairman Mr. Dan Welsh
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Lee Rottmann
Mr. David Schlafly

Also present: Mayor Spewak; Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Paul Garlock, Building Commissioner; Andrea Sukanek, City Planner; and Lori Mullins, Deputy City Clerk.

Vice-Chairman Mr. Dan Welsh called the meeting to order at 4:00 P.M.

Approval and Adoption of the Agenda

The agenda was adopted unanimously upon motion by Ms. Panke and second by Ms. Long.

Approval of the Minutes from the October 4, 2022, meeting

The minutes were approved unanimously upon motion by Ms. Long and second by Mr. Rottmann.

Mr. Welsh declared that by ordinance board members are required to elect the Chairman and the Vice Chairman for 2023.

Ms. Forshaw was elected as Chairman, unanimously, upon motion by Mr. Schlafly and second by Ms. Panke.

Mr. Welsh was elected as the Vice Chairman, unanimously, upon motion by Ms. Long and second by Mr. Rottmann.

Docket 1372 Petition is submitted by Kevin and Beverly Jo Maher for the property located at 27 Upper Ladue Road. The petitioner is requesting relief from the Building Commissioner denying an amendment on an existing permit to change a box bay window. The construction of the box bay window has been denied due to encroachment into the required side yard setback, which is in violation of Ladue Zoning Ordinance 1175, Section V-B-1 and V-C-1.

Ms. Sukanek shared information on the applicant's request for a variance to modify a bay window into a box bay window. Construction was denied due to encroachment into the required side yard setback in violation of Ladue Zoning Ordinance 1175, Section V-B-1 and V-C-1. The main

residence was built in 1934, predating the 50' setback requirements in the "B" zoning district. Although permits have been issued for improvements on the west side of the property, the proposed window modification increases the encroachment and was consequently denied. The proposal would increase the existing encroachment by less than 10 square feet.

Mr. Welsh introduced the following exhibits to be entered into the record:

- Exhibit A – Zoning Ordinance 1175, as amended;
- Exhibit B – Public Notice of the Hearing;
- Exhibit C – Letter of Denial dated November 10, 2022;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter requesting the variance dated November 28, 2022;
- Exhibit F – Entire file relating to the application

Mr. Kevin Maher was sworn in and addressed the board. He stated the Maher family has been in the home for 27 years. The proposal will improve the appearance and function of the home, by tying in the roof line of the window with the new addition. The additional encroachment is actually less than six square feet. The project has the approval of the neighbors, trustees, and the Architecture Review Board.

After discussion of the facts presented, including the legal nonconforming status, the significance of improving antiquated homes in preserving the character of the City, the modest size of the additional encroachment, the support of the neighbors and A.R.B., it was determined that practical difficulties exist. Ms. Panke moved to overturn the decision of the Building Commissioner and grant the variance for the window modification. Ms. Long seconded the motion. The vote was as follows:

Vice-Chairman Mr. Dan Welsh	"approve"
Ms. Laura Long	"approve"
Ms. Elizabeth Panke	"approve"
Mr. Lee Rottmann	"approve"
Mr. David Schlafly	"approve"

With five (5) votes in favor and zero (0) against, the motion passed, the ruling of the Building Commissioner was overturned, and the variance was granted.

Adjournment

At 4:30 p.m. the meeting adjourned upon motion of Mr. Schlafly and second of Mr. Rottmann.

DOCKET 1372

DATE OF HEARING January 3, 2023

NAME Kevin and Beverly Jo Maher

DESCRIPTION OF PROPERTY 27 Upper Ladue Road

CAUSE FOR APPEAL The petitioner is requesting relief from the Building Commissioner denying an amendment on an existing permit to change a box bay window. The construction of the box bay window has been denied due to encroachment into the required side yard setback, which is in violation of Ladue Zoning Ordinance 1175, Section V-B-1 and V-C-1.

RULING OF THE BOARD After discussion, on the basis of the evidence presented, the Board finds that practical difficulties exist. The decision of the Building Commissioner is overturned, and the variance is granted.

Mr. Dan Welsh, Vice Chairman